



#977/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michel Lesimple

Art Unit : 1723

Serial No. : 09/648,588

Examiner : C. Cooley

Filed : August 25, 2000

Title : DRIVING HEAD FOR STIRRER CANS

Commissioner for Patents  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Applicant submits the references listed on the attached form PTO-1449, copies of which are enclosed. Applicant also discloses the following litigation in Germany between Wulfert, owner of EP 0 143 145 (already of record) and Fillon Pichon, assignee of the parent application.

German Litigation

1. Wulfert sued Fillon Pichon (FP), on January 27, 2000 before the Düsseldorf Court for patent infringement of the German part of its patent EP 0 143 145 by the FP Quick Link System (which is manufactured according to the figures of the present application).
2. FP counterclaimed nullity of the Wulfert patent before the German Patent Court in Munich on October 25, 2000 citing FR 2 521 493 (already of record; the English abstract of this reference is attached) and FR 2 475 502 (U.S. 4,407,584, copy attached).
3. FP won in the first instance the infringement defense in Düsseldorf (decision of May 3, 2001). Wulfert filed appeal on June 26, 2001. The final hearing will be on November 7, 2002.
4. FP lost the nullity suit. The EP '145 patent was maintained because of sufficient inventive activity with respect to the two cited documents. No appeal has been filed.
5. English translations of the decisions are attached.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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Attorney's Docket No.: 10767-003001 / 870-F 51299-  
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This statement is being filed after a first Office action on the merits, but before receipt of a final Office action or a Notice of Allowance. A check for \$180 in payment of the late submission fee of §1.17(p) is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 10-30-02

  
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